

Namibians went to the polls in November 2014 in Africa's first electronic vote. The South West Africa People's Organization (SWAPO) won in a field of 16 political parties. In an unsurprising victory, Hage Geingob replaced Hifikepunye Pohamba as president.

The Third Constitutional Amendment Bill, passed in August 2014, comprised 40 alterations to the constitution. Notable changes included the size of the legislature, new president-appointed members of parliament, limits on the National Council's power to review certain bills, and granting of power to the president to appoint the head of the intelligence agency. SWAPO was criticized for rushing passage of the new law, which was seen to be in its favor given its dominant position in politics, in advance of the elections.

Political Rights and Civil Liberties:

Political Rights: 30 / 40 [Key]

A. Electoral Process: 10 / 12

In October 2014, the Third Constitutional Amendment was passed, increasing the number of members in Namibia's bicameral legislature by 40 percent. The amendment also introduced the post of vice president and granted the ruling party the ability to appoint regional governors. The National Council will be comprised of 42 seats (from 26), with members appointed by regional councils for six-year terms; as of the 2014 elections, the National Assembly is comprised of 96 seats (from 72), filled by popular election for five-year terms using party-list proportional representation. The new amendment also allows the president to appoint 8 nonvoting members to the National Assembly. The president, who is directly elected for a five-year term (and eligible for a second term), also appoints the prime minister and cabinet.

In the 2010 National Council elections, SWAPO won 24 of 26 seats. The November 2014 National Assembly and presidential elections were considered free and fair despite some controversy surrounding the electronic voting systems. This was in stark contrast to the 2009 elections, in which numerous procedural concerns were raised. SWAPO won 80 percent of the vote, giving it 77 National Assembly seats. The closest opposition, the Democratic Turnhalle Alliance of Namibia (DTA), won 4.8 percent of the vote for 5 seats, and eight additional parties won the remaining seats. Then prime minister Geingob defeated eight rivals for the presidency, winning 87 percent of the vote.

In June, SWAPO initiated a lawsuit against nine opposition parties to recover its expenses from a legal challenge they had filed against the results of the 2009 elections; the Supreme Court had dismissed the legal challenge in 2012.

Before the 2014 elections, SWAPO launched a "zebra" system, in which the party committed to including one man and one woman as minister and deputy in each ministry, and to strive to make the National Assembly 50 percent female.

B. Political Pluralism and Participation: 11 / 16

SWAPO has dominated the political landscape since Namibia gained independence in 1990. Opposition parties include the Rally for Democracy and Progress (RDP), the Congress of Democrats, the DTA, and the United Democratic Front. Since SWAPO dissidents formed the RDP in 2007, SWAPO members have harassed and intimidated its supporters and occasionally disrupt RDP rallies. These problems have subsided somewhat in recent years.

Signaling greater political inclusion, Geingob—who is from the minority Damara community—is the first Namibian president who does not hail from the Oshiwambo-speaking majority.

C. Functioning of Government: 9 / 12

Although Pohamba made efforts to curb corruption, corruption by government officials remains a problem, and investigations of major cases proceed slowly. According to Ernst and Young's 2014 Namibian Fraud and Corruption Landscape Survey, 79 percent of businesses viewed fraud and corruption as a risk to their business. The Anti-Corruption Commission has considerable autonomy, reporting only to the National Assembly, though it lacks prosecutorial authority. Despite the fact that cases of corruption are regularly reported in the media, prosecution is often hampered by lack of evidence. Namibia was ranked 55 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index, and retained sixth place out of 52 countries evaluated in the 2014 Ibrahim Index of African Governance.

SWAPO's dominance of the political space has resulted in a conflation between party and state, further hampering anticorruption efforts. Officials regularly refer to the "SWAPO Party Government."

There is no access to information law in Namibia, despite prior government pledges to introduce the law and a strong civil society campaign backing it. The government often errs on the side of secrecy and confidentiality in matters of governance. The Third Constitutional Amendment was passed without public consultation; Geingob stated that the mandate for the changes was given when SWAPO won the 2009 elections.

Civil Liberties: 46 / 60

D. Freedom of Expression and Belief: 14 / 16

The constitution guarantees free speech, and Namibia's media generally enjoy an open environment. Many private publications and websites are critical of the government. However, government and party leaders at times issue harsh criticism and even threats against the independent press, usually in the wake of unflattering stories.

While many insist that the state-owned Namibian Broadcasting Corporation (NBC) is free to criticize the government, concerns have increased about excessive government influence over programming and personnel. In August 2014, a SWAPO member of the National Council forced his way into a radio station and verbally and physically attacked the producer, accusing her of being an opposition supporter and asserting that the station belonged to SWAPO. Despite a call for action to be taken against the councilor, the party had not done so by the end of 2014.

The 2009 Communications Act allows the government to monitor telephone calls, e-mail, and internet usage without a warrant. Use of the internet is not restricted; infrastructure limits penetration to about 15

percent.

Freedom of religion is guaranteed and respected in practice. The government has in the past been accused of pressuring academics to withhold criticism of SWAPO, but there were no such reports in 2014.

E. Associational and Organizational Rights: 12 / 12

Freedoms of assembly and association are guaranteed by law and permitted in practice, except in situations of national emergency. In a rare case of violence during a protest, Frieda Ndatipo was shot and killed during a clash between police and the children of fallen independence fighters. Human rights groups generally operate without interference, though government ministers have threatened and harassed nongovernmental organizations and their leadership in the past. Civil society coalesced under the banner of the “My Constitution, My Decision” pressure group in 2014 to oppose the proposed Third Constitutional Amendment.

Constitutionally guaranteed union rights are respected. However, essential public-sector workers do not have the right to strike. Collective bargaining is not widely practiced outside the mining, construction, agriculture, and public-service industries. The main umbrella union, the National Union of Namibian Workers, is affiliated with SWAPO and played a role in selecting the new party leaders.

F. Rule of Law: 11 / 16

The constitution provides for an independent judiciary, and the separation of powers is observed in practice. Access to justice, however, is obstructed by economic and geographic barriers, a shortage of public defenders, and delays caused by a lack of capacity in the court system, especially at lower levels. Traditional courts in rural areas have often ignored constitutional procedures, although legislation to create greater uniformity in traditional court operations and better connect them to the formal judicial system was implemented in 2009. The 2014 constitutional amendment provided for the creation of tribunals to investigate misconduct of judges and the prosecutor-general.

Allegations of police brutality persist. A 2014 trial involving three police officers accused of killing a 17-year-old in 2013 was postponed until 2015. Conditions in prisons are improving, though overcrowding in certain facilities remains a problem.

Secessionist fighting in Namibia’s Caprivi region between 1998 and 1999 led some 2,400 refugees to flee to neighboring Botswana. Treason trials for more than 100 alleged secessionists began in 2003. The case against 65 defendants in the High Court is still pending.

Minority ethnic groups have claimed that the government favors the majority Ovambo—which dominates SWAPO—in allocating funding and services. Attempts to allow equal rights to the San indigenous group are progressing gradually. After a series of land invasions, in 2013 the police inspector general ordered settlers without a certificate from the communal land board to vacate land traditionally occupied by the !Kung—a community of San—in Namibia’s western Tsumkwe region. The order was issued after the UN Special Rapporteur on the Rights of Indigenous Peoples called for Namibia to boost efforts to protect the San from marginalization on their land.

A colonial-era law criminalizes sodomy, and in 2004 Namibia repealed a law against employment

discrimination based on sexual orientation. However, in 2014 the director of Out-Right Namibia, an LGBT rights group, stated that no law explicitly makes homosexuality illegal and that LGBT individuals facing persecution in Uganda should be able to seek asylum in Namibia.

G. Personal Autonomy and Individual Rights: 9 / 16

The government respects constitutionally guaranteed rights to freedom of movement, foreign travel, emigration, and repatriation. The small white minority owns just under half of Namibia's arable land, and redistribution of property has been slow despite efforts to accelerate the process.

Women continue to face discrimination in customary law and other traditional societal practices. In November 2014, the Namibian Supreme Court upheld a ruling against health-care workers who had coerced three HIV-positive women to undergo sterilization. Since the case was filed in 2009, dozens of women have come forward with stories of forced sterilization. Widows and orphans have been stripped of their land, livestock, and other assets in rural areas. Lack of awareness of legal rights as well as informal practices have undermined the success of legal changes. Violence against women, including sexual violence, is reportedly widespread, and rights groups have criticized the government's failure to enforce the country's progressive domestic violence laws. In the 2014 elections, women won 43 seats in the National Assembly, up from 19 seats in the 2009 elections. Women currently hold six seats in the National Council. UNAIDS estimated Namibia's HIV infection rate at 14 percent of the population in 2013—much lower than its southern African neighbors.

According to the U.S. State Department's 2014 Trafficking in Persons Report, Namibia remains a source, transit, and destination country for human trafficking for forced labor and prostitution. Namibia was placed on the Tier 2 Watch List for the third consecutive year due to its failure to take legal action against offenders and continued reluctance to acknowledge the country's role in addressing this issue.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)